

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DERRICK COLEMAN,

Plaintiff,

DECISION AND ORDER

05-CV-6107L

v.

DOCTOR SUTTON M.D.,
R.N. WELLBURN, sued in their
individual and official capacities,

Defendants.

Plaintiff, Derrick Coleman (“Coleman”), proceeding *pro se*, has moved for summary judgment (Dkt. #9). Defendants oppose the motion by letter dated August 2, 2006, on the ground that discovery has not been completed and that plaintiff has not been deposed.

At this time, as to plaintiff’s claims, there does appear to be material issues of fact and dispute and, therefore, summary judgment must be denied.

CONCLUSION

Plaintiff’s motion for summary judgment (Dkt. #9) is in all respects denied.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
September 11, 2006.